

CHAPTER NO. 311

SENATE BILL NO. 1633

By Clabough, Atchley

Substituted for: House Bill No. 1356

By McDaniel, Davidson, Kisber

AN ACT To amend Title 53, Chapter 8 relative to fees; Title 62, Chapter 38 relative to fees; and Title 68, Chapters 14 and 110 relative to fees and creation of an advisory council.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 53-8-214(a), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) Retail food stores that contain within the premises a food service establishment that prepares potentially hazardous food shall pay a permit fee in accordance with the following schedule:

No. of Seats	July, 2001	July, 2002	July, 2003
0-50	\$100.00	\$150.00	\$210.00
51 and over	\$230.00	\$300.00	\$360.00

SECTION 2. Tennessee Code Annotated, Section 53-8-214(a), is further amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) Retail food stores that contain within the premises a food service establishment which offers self-service foods and does not prepare potentially hazardous foods shall pay a permit fee of thirty-five (\$35.00) dollars; and

SECTION 3. Tennessee Code Annotated, Section 53-8-214(a), is further amended by deleting subdivision (3) in its entirety and by substituting the following:

(3) In addition to the fees in subdivisions (1) or (2), all retail food stores shall pay an annual permit fee in accordance with the following schedule:

July, 2001	July, 2002	July, 2003
\$25.00	\$40.00	\$50.00

SECTION 4. Tennessee Code Annotated, Section 53-8-214(a), is further amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) If the permit fee is delinquent for more than thirty (30) calendar days, a penalty of one-half (1/2) the permit fee shall be added thereto. If a check is returned for any reason, a penalty of one-half (1/2) the permit fee shall be added thereto. The permit fee plus any penalty must be paid before the permit is issued.

SECTION 5. Tennessee Code Annotated, Section 62-38-202 is amended by deleting in its entirety the last sentence in subsection (a), and by adding the following as new subsections thereto:

(j) A tattoo studio shall pay a permit fee according to the following schedule:

July, 2001	July, 2002	July, 2003
\$140.00	\$200.00	\$280.00

(k) If the permit fee is delinquent for more than thirty (30) calendar days, a penalty of one-half (1/2) the permit fee shall be added thereto. If a check is returned for any reason, a penalty of one-half (1/2) the permit fee shall be added thereto. The permit fee plus any penalty must be paid before the permit is issued.

(l) A percentage of permit fees, fines, and penalties collected within a contract county pursuant to Section 62-38-202 shall be conveyed by contract to the respective county health department to assist such county health department in implementing the program in the local jurisdiction. This amount shall be calculated based upon fees collected in the contract county during the state's fiscal year multiplied by the appropriate percentage in the table below. The percentage shall be according to the following schedule of fiscal years:

2001-2002	2002-2003	2003-2004 and thereafter
90%	92%	95%

SECTION 6. Tennessee Code Annotated, Section 62-38-204(c), is amended by deleting the last sentence in subsection (c) and by substituting instead the following:

A tattoo artist, apprentice artist, and temporary artist shall pay an annual fee based on the following schedule:

July, 2001	July, 2002	July, 2003
\$70.00	\$100.00	\$140.00

SECTION 7. Tennessee Code Annotated, Section 62-38-204(i), is amended by deleting the last sentence in subsection (i) and by substituting instead the following:

A tattoo operator shall pay an annual fee based on the following schedule:

July, 2001	July, 2002	July, 2003
\$70.00	\$100.00	\$140.00

SECTION 8. Tennessee Code Annotated, Section 62-38-204 is further amended by deleting subsections (j) and (k) in their entirety and by substituting the following as a new subsection (j) and by redesignating the remaining subsection appropriately:

(j) All fees shall be paid to the commissioner. If any fee is delinquent for more than thirty (30) calendar days, a penalty of one-half (1/2) the fee shall be added thereto. If a check is returned for any reason, a penalty of one-half (1/2)

the fee shall be added thereto. The permit fee plus any penalty must be paid before the permit is issued.

SECTION 9. Tennessee Code Annotated, Section 68-14-302 is amended by adding the following language as a new subdivision thereto:

(_) "Auxiliary food service operation" shall mean a designated area located within or adjacent to a food service establishment sharing common ownership and/or management and whose primary purpose is serving beverages. For determining the amount of the permit fee for the food service establishment associated with the auxiliary food service operation, all seating in the auxiliary food service operation shall be included in the seating count of the primary food service establishment.

SECTION 10. Tennessee Code Annotated, Section 68-14-303(7), is amended by deleting the word "and" at the end of subdivision (E); by deleting subdivision (F) in its entirety; and by adding the following language as new subdivisions to be designated as follows:

(F) All permit fees, fines, and penalties shall be deposited directly into the state treasury;

(G) Beginning with fiscal year 2004-2005, all fees under this chapter shall be reviewed biennially to determine the appropriateness and amount relative to the overall cost of the program; and

SECTION 11. Tennessee Code Annotated, Section 68-14-303(7), is further amended by adding the following as a new subdivision (H):

(H) (i) A percentage of permit fees collected within a contract county pursuant to Tennessee Code Annotated, Section 68-14-312 through Section 68-14-314 shall be conveyed by contract to the respective county health department to assist such county health department in implementing the program in the local jurisdiction. This amount shall be calculated based upon fees collected in the contract county during the state's fiscal year multiplied by the appropriate percentage in the table below. This percentage shall be according to the following schedule of fiscal years:

2001-2002	2002-2003	2003-2004 and thereafter
90%	92%	95%

(ii) After June 30, 2004, no contract county currently charging a local permit fee shall charge a local permit fee. Between July 1, 2001, and June 30, 2004, contract counties currently charging a local permit fee shall reduce the local permit fee by the same amount as the state's fee increase for each respective year. The amount of the local annual fee decrease shall be reduced by the amount necessary to offset the imbalance of the current local fees collected. By July 30 of each year, each contract county shall provide a report to the commissioner for the preceding fiscal year documenting the total cost relative to carrying out the provisions of the contract and the amount of state and local permit fees collected. The report shall be on a form provided by the commissioner.

SECTION 12. Tennessee Code Annotated, Section 68-14-304 is amended by deleting such section in its entirety and by substituting instead the following:

Section 68-14-304. All monies coming into the state treasury under this part from fees, fines, and penalties shall be appropriated to the Department of Health for the payment of necessary expenses incident to the administration of this part, as determined by the commissioner. Any unexpended balance of such fund in any fiscal year shall be retained by the department to be used to provide and/or expand training for food service operators and the department's environmentalists.

SECTION 13. Tennessee Code Annotated, Section 68-14-312 is amended by deleting subsections (a) and (b) in their entirety and by substituting instead the following:

(a) The permit fee to operate a hotel shall be in accordance with the following schedules:

No. of Rooms	July, 2001	July, 2002	July, 2003
1-50	\$100.00	\$130.00	\$170.00
51-150	\$180.00	\$240.00	\$320.00
151-250	\$280.00	\$380.00	\$500.00
251 and over	\$370.00	\$490.00	\$650.00

(b) If the permit fee is delinquent for more than thirty (30) calendar days, a penalty fee of one-half (1/2) the permit fee shall be added thereto. If a check is returned for any reason, a penalty of one-half (1/2) the permit fee shall be added thereto. Each permit fee plus any penalty must be paid before the permit is issued.

SECTION 14. Tennessee Code Annotated, Section 68-14-313(a), is amended by deleting subdivisions (1) and (2) in their entirety and by substituting instead the following:

(a) The permit fee to operate a food service establishment shall be in accordance with the following schedule:

(1) No. of Seats	July, 2001	July, 2002	July, 2003
0-50	\$100.00	\$150.00	\$210.00
51 and over	\$230.00	\$300.00	\$360.00

(2) Auxiliary food service operations effective July, 2002.

July, 2002	July, 2003
\$70.00	\$100.00

SECTION 15. Tennessee Code Annotated, Section 68-14-313(a), is further amended by deleting subdivision (3) in its entirety and by substituting instead the following:

(3) Temporary food service establishments shall pay a permit fee of thirty dollars (\$30.00);

SECTION 16. Tennessee Code Annotated, Section 68-14-313 is further amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) If the permit fee is delinquent for more than thirty (30) calendar days, a penalty of one-half (1/2) the permit fee shall be added thereto. If a check is returned for any reason, a penalty of one-half (1/2) the permit fee shall be added thereto. The permit fee plus any penalty must be paid before the permit is issued.

SECTION 17. Tennessee Code Annotated, Section 68-14-313 is further amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) The permit shall be kept and displayed in a conspicuous manner, properly framed, and visually available to the public in the food service establishment for which it is issued.

SECTION 18. Tennessee Code Annotated, Section 68-14-314(a), is amended by deleting subdivisions (1) and (2) in their entirety and by substituting instead the following:

(a) (1) The permit fee to operate a public swimming pool shall be based on the following schedule:

July, 2001	July, 2002	July, 2003
\$150.00	\$220.00	\$340.00

(2) If the permit fee is delinquent for more than thirty (30) calendar days, a penalty of one-half (1/2) the permit fee shall be added thereto. If a check is returned for any reason, a penalty of one-half (1/2) the permit fee shall be added thereto. The permit fee plus any penalty must be paid to the commissioner before the permit is issued.

SECTION 19. Tennessee Code Annotated, Section 68-14-511 is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) The permit fee to operate a bed and breakfast establishment shall be based on the following schedule:

July, 2001	July, 2002	July, 2003
\$70.00	\$100.00	\$140.00

SECTION 20. Tennessee Code Annotated, Section 68-14-511 is further amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) If the permit fee is delinquent for more than thirty (30) calendar days, a penalty of one-half (1/2) the permit fee shall be added thereto. If a check is returned for any reason, a penalty of one-half (1/2) the permit fee shall be added thereto. The permit fee plus any penalty must be paid to the commissioner before the permit is issued.

SECTION 21. Tennessee Code Annotated, Section 68-14-511(c), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(c) (1) A percentage of permit fees, fines, and penalties collected within a contract county pursuant to this part shall be conveyed by contract to the respective county health department to assist such county health department in implementing the program in the local jurisdiction. This amount shall be calculated based upon fees collected in the contract county during the state's fiscal year multiplied by the appropriate percentage in the table below. The percentages shall be according to the following schedule of fiscal years:

2001-2002	2002-2003	2003-2004 and thereafter
90%	92%	95%

SECTION 22. Tennessee Code Annotated, Section 68-14-511 is amended by designating existing subdivision (c)(2) as new subsection (d).

SECTION 23. Tennessee Code Annotated, Section 68-110-103 is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) The annual permit fee to operate an organized camp shall be in accordance with the following schedule. As used in this subsection, a travel campsite is a designated camping space which is equipped with utility connections.

Type of Camp	July, 2001	July, 2002	July, 2003
Day	\$60.00	\$70.00	\$80.00
Resident			
1-99 campers	\$ 60.00	\$ 70.00	\$ 80.00
100 or more campers	\$110.00	\$130.00	\$150.00
Travel			
1-25 camp sites	\$ 60.00	\$ 70.00	\$ 80.00
26-75 camp sites	\$ 80.00	\$100.00	\$120.00
76-150 camp sites	\$120.00	\$140.00	\$170.00
151-250 camp sites	\$180.00	\$200.00	\$230.00
251 or more camp sites		\$230.00	\$260.00 \$310.00
Primitive	\$ 60.00	\$ 70.00	\$ 80.00

SECTION 24. Tennessee Code Annotated, Section 68-110-103 is further amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d) If the permit fee is delinquent for more than thirty (30) calendar days, a penalty of one-half (1/2) the permit fee shall be added thereto. If a check is returned for any reason, a penalty of one-half (1/2) the permit fee shall be added thereto. The permit fee plus any penalty must be paid to the commissioner before the permit is issued.

(e) The permit shall be kept and displayed in a conspicuous manner, properly framed, at the organized camp for which it was issued.

(f) (i) A percentage of permit fees, fines, and penalties collected within a contract county pursuant to this part shall be conveyed by contract to the respective county health department to assist such county health department in implementing the program in the local jurisdiction. This amount shall be calculated based upon fees collected in the contract county during the state's fiscal year multiplied by the appropriate percentage in the table below. The percentages shall be according to the following schedule of fiscal years:

2001-2002	2002-2003	2003-2004 and thereafter
90%	92%	95%

(ii) After June 30, 2004, no contract county currently charging a local permit fee shall charge a local permit fee. Between July 1, 2001, and June 30, 2004, contract counties currently charging a local permit fee shall reduce the local permit fee by the same amount as the state's fee increase. The amount of the local annual fee decrease shall be reduced by the amount necessary to offset the imbalance of the current local fees collected. By July 30 of each year, each contract county shall provide a report to the commissioner for the preceding fiscal year documenting the total cost relative to carrying out the provisions of the contract and the amount of state and local permit fees collected. The report shall be on a form provided by the commissioner.

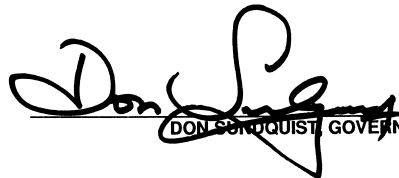
SECTION 25. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: May 23, 2001


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 30th day of May 2001


DON SUNDQUIST, GOVERNOR